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2611

UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS      SMITH ET AL      ART UNIT:      2611  
APPL. NO.:      08/990,973      EXAMINER:      SALCE, J.P.  
FILED:      DECEMBER 15, 1997      DOCKET NO.:      A-4251  
TITLE:      INTERACTIVE SUBSCRIPTION TELEVISION TERMINAL

March 28, 2002

TRANSMITTAL of RESPONSE

Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

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Transmitted herewith for filing in the above-identified patent application,  
please find:

1.  2 page Response w/Exhibit A and Transmittals (in duplicate)
2.  Return postcard

Although we do not believe that any fees are due for this amendment, the  
Commissioner is hereby authorized to charge any fees that may be required to our  
Deposit Account No. 19-0761. A duplicate original of this sheet is enclosed.

Respectfully submitted:

SEND CORRESPONDENCE TO:

By:   
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Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal  
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Maryellen Licker



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#9  
W. Larson  
4/17/02

RESPONSE TO OFFICE ACTION

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Commissioner for Patents  
Washington, DC 20231

APR 15 2002

Sir:

Technology Center 2600

This is in response to the Official Action dated February 27, 2002, labeled as paper no. 8, the time for responding thereto being set to expire on or about May 27, 2002, without extension. Kindly enter the following comments.

REMARKS

In the Official Action of February 27, 2002, the Patent and Trademark Office rejected claims 15-26, all claims pending, under 35 U.S.C. § 102(b) as being clearly anticipated by U.S. Patent No. 5,001,554 to Johnson, et al. It was the position of the Patent and Trademark Office that, after analyzing the chain of continuity of the applications to which the subject application claims priority, claims 15-26 find their earliest support in U.S. Patent Application serial number 07/960,261 now U.S. Patent No. 5,355,480. Accordingly, it was the position of the Patent and Trademark Office that claims 15-26 have an effective filing date of no later October 13, 1992. In this regard, the Patent and Trademark Office then opined that the disclosure of U.S. Patent No. 5,001,554 constitutes 102(b) prior art as that patent was issued on March 19, 1991, more than one year prior to the filing date of the subject patent application.

Applicants respectfully submit that the Patent and Trademark Office is in error in its analysis of the chain of continuity of applications. This error may be due to either a misreading by the Patent and Trademark Office, or Applicants' error in the recitation of the chain of continuity. Applicants will attempt to "set the record straight" with respect to the chain of continuity, and to the extent necessary, this may be viewed as an amendment to the specification.

The subject patent application was filed as a divisional of U.S. Patent Application Serial No. 08/265,941 filed June 27, 1994, issued May 19, 1998 as U.S. Patent No. 5,754,940. The '940 patent is a continuation of U.S. Patent Application Serial No. 07/960,261 filed October 13, 1992, now U.S. Patent No. 5,355,480 issued October 11, 1994. The '480 patent is a continuation of U.S. Patent Application No. 07/342,987 filed April 20, 1989 and abandoned November 12, 1992. The '987 application is a continuation-in-part application of U.S. Patent Application Serial No. 07/289,218